



LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

February 17, 2009

The Honorable Board of Directors
Los Angeles County
Regional Park and Open Space District
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Directors:

**ALLOCATE CITIES EXCESS FUNDS AVAILABLE
TO THE THIRD SUPERVISORIAL DISTRICT, AUTHORIZE AWARD AND
ADMINISTRATION OF AN EXCESS FUNDS GRANT, AND APPROVE COSTS
INCURRED PRIOR TO EXECUTION OF A GRANT AGREEMENT TO THE
CITY OF CALABASAS FOR ITS LAS VIRGENES CREEK RESTORATION PROJECT
(THIRD DISTRICT- 3 VOTE MATTER)**

SUBJECT

These actions will allocate \$140,000 in Cities Excess Funds available to the Third Supervisorial District to enable the City of Calabasas to complete the Las Virgenes Creek Restoration Project.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find the proposed actions to be exempt from the California Environmental Quality Act, for the reasons cited herein.
2. Allocate \$140,000 of Cities Excess Funds available to the Third Supervisorial District to the City of Calabasas for its Las Virgenes Creek Restoration Project.
3. Authorize the Director of Parks and Recreation, in his capacity as Director of the Los Angeles County Regional Park and Open Space District, to award a grant in the amount of \$140,000 in Cities Excess Funds, to the City of Calabasas for its Las Virgenes Creek Restoration Project.

4. Authorize the Director to reimburse the City of Calabasas (City) for costs incurred prior to the execution of the grant project agreement for the Las Virgenes Creek Restoration Project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions would complete the funding for the City's Las Virgenes Creek Restoration Project. The project consists of the removal of 400 linear feet of concrete from Las Virgenes Creek between Highway 101 and the Agoura Road Bridge in Calabasas to restore a native creek-side habitat, enhance water quality and the biological environment, plant native vegetation, and display the importance of environmental stewardship to the community's youth through the addition of an educational gazebo.

The total cost of the project is \$1,239,100. The State Water Resource Control Board funded \$515,000 toward the project; the Coastal Conservancy provided \$326,850 of grant funding; and the Department of Water Resources provided \$187,250 in grant funds leaving a balance of \$210,000 to complete the project. The City anticipates raising a further \$70,000 and the allocation of \$140,000 in Cities Excess Funds will complete the funding for the Las Virgenes Creek Restoration Project.

The 1996 Proposition requires that agencies to which funds were allocated under the Safe Neighborhood Parks Propositions of 1992 and 1996 encumber all such funds prior to receiving grants of Excess Funds. The City has met this requirement.

It is also recommended that the Director of Parks and Recreation be authorized to award the grant to the City when applicable conditions have been met, such as grantee qualifications, consistency between the projects and requirements of the 1996 Proposition and grantee agreement with the California Environmental Quality Act (CEQA) requirements for the project, and to administer the grant under procedures previously approved by your Board.

Finally, since project costs were incurred prior to the execution of a grant agreement for the funds, your Board's approval would be required to allow the Director to reimburse the City for these expenditures.

IMPLEMENTATION OF STRATEGIC GOALS

The proposed recommendations further the Board approved County Strategic Plan Goal No. 1 (Service Excellence), Goal No. 4 (Fiscal Responsibility), Goal No. 5 (Children and Families' Well-being), and Goal No. 6 (Community Service), by enhancing water quality and restoring a creek in the City of Calabasas in the Third Supervisorial District.

FISCAL IMPACT/FINANCING

Sufficient funds, in the amount of \$140,000, are appropriated in the Third Supervisorial District portion of the Los Angeles County Regional Park and Open Space District Excess Funds Project Fund, HD6 for the Las Virgenes Creek Restoration Project.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The 1996 Proposition provides a method for determining each fiscal year the amount of funds available in the following fiscal year to fund capital improvement projects in addition to the amounts specifically identified for projects in the Safe Neighborhood Parks Propositions of 1992 and 1996. The recommended grant would be funded from the Excess Funds available to the Third Supervisorial District from Excess Funds for city projects.

The Board may establish additional conditions on grants of Excess Funds. The Director of Parks and Recreation would be authorized to award a grant when all applicable conditions have been met. Any funds allocated by the Board, but not encumbered by award of a grant contract in the same fiscal year, shall be available for allocation by the Board in the following fiscal year.

Your Board approved a Procedural Guide on June 17, 1997, to govern the administration of Regional Park and Open Space District grants for Specified and Per Parcel projects. This Procedural Guide would appropriately govern the administration of the recommended additional grant as well.

However, the Procedural Guide for Specified and Per Parcel Projects, approved by your Board, does not delegate the authority to the Director to reimburse otherwise eligible project costs incurred before the execution of a project grant agreement. Because the City incurred costs prior to execution of the agreement for the Las Virgenes Creek Restoration Project, the Director is recommending your Board's approval to allow the District to reimburse the City for these costs.

CONTRACTING PROCESS

A Grant Project Agreement will be entered into and administered under authority delegated to the Director of Parks and Recreation and pursuant to the Procedural Guide approved by the Board in 1997. The Project Agreement will be approved as to form by County Counsel.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

These actions will have no impact on any other projects funded through the District but are required so that the City of Calabasas may complete the funding for the Las Virgenes Creek Restoration Project.

ENVIRONMENTAL DOCUMENTATION

All public agency projects funded by the Los Angeles County Regional Park and Open Space District are required to comply with California Environmental Quality Act (CEQA) as a condition of the grant. The lead agency is responsible for preparing the appropriate environmental documentation for the project. The City of Calabasas is the lead agency for the Las Virgenes Creek Restoration Project.

The proposed administrative actions are not subject to CEQA in that the actions do not meet the definition of a project according to Sections 15378 (b)(4)(5) of the State CEQA Guidelines, because the actions are administrative activities for government grants which by their terms do not involve any commitments to any specific projects which may result in a potentially significant physical impact on the environment.

The Honorable Board of Directors
February 17, 2009
Page 5

CONCLUSION

Please instruct the Executive Officer-Clerk of the Board to return one conformed copy of this action to the Chief Executive Office, Capital Projects Division, and to the Department of Parks and Recreation.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Russ Guiney", written in a cursive style.

Russ Guiney
Director, Parks and Recreation

RG:IV:RR:LB:REGIONALPARKOPENSPOCEDISTRICTS(CALABASAS BL)

c: Chief Executive Officer
Executive Officer, Board of Supervisors (22)
County Counsel